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Transportation

Legislation Review

Committee

**Report to the
GOVERNOR
and the
COLORADO
GENERAL ASSEMBLY**

**Colorado Legislative Council
Research Publication No. 510
November 2002**

RECOMMENDATIONS FOR 2003

**TRANSPORTATION LEGISLATION
REVIEW COMMITTEE**

**Report to the Governor
and Colorado General Assembly**

**Research Publication No. 510
December 2002**

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December 2002

To Members of the Sixty-third General Assembly:

Submitted herewith is the final report of the Transportation Legislation Review Committee. This committee was created pursuant to Section 43-2-145, Colorado Revised Statutes. The purpose of the committee is "to give guidance and direction to the state Department of Transportation in the development of the state transportation system, and to provide legislative overview of an input into such development . . . "

At its meeting on October 15, 2002, the Legislative Council reviewed the report of this committee. A motion to forward this report and the bills therein for consideration in the 2003 session was approved.

Respectfully submitted,

/s/ Representative Doug Dean
Chairman
Legislative Council

DD/BD/GJ/jh

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TRANSPORTATION LEGISLATION REVIEW COMMITTEE

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EXECUTIVE SUMMARY

Committee Charge

Pursuant to Section 43-2-145, C.R.S., the Transportation Legislation Review Committee (TLRC) is authorized to give guidance and direction to the Colorado Department of Transportation (CDOT) in the development of the state transportation system and to provide legislative overview of such development. The committee is directed to review any phase of operations for CDOT, including planning and construction of highway projects. The committee is also authorized to review any phase of operations for any public highway authority (e.g., E-470 Authority) along with any rural transportation authority responsible for the development of rural transportation systems. In addition, the legislative committee provides guidance to the Regional Transportation District and reviews its budget, farebox recovery ratio, and the privatization of bus service.

Committee Activities

The committee held five meetings and received testimony on a variety of transportation-related matters from representatives of the following 22 organizations:

- Colorado Department of Transportation (CDOT);
- Colorado Transportation Commission;
- Regional Transportation District (RTD);
- E-470 Public Highway Authority;
- Colorado Department of Revenue (DOR);
- Colorado Department of Public Health and Environment;
- Colorado State Patrol;
- Colorado State Auditor's Office;
- Colorado Association of Transit Agencies;
- Colorado Transit Alliance;
- Colorado Motor Carriers Association;
- Colorado Motor Carriers Advisory Council;
- Colorado County Clerks Association;
- Multi-State Highway Transportation Agreement Alliance;
- Northwest Parkway Public Highway Authority;
- Roaring Fork Transportation Authority;
- Colorado Intermountain Fixed-Guideway Authority (CIFGA);
- Colorado Division of Aeronautics;
- Regional Air Quality Council;
- Colorado Highway User's Conference;
- Colorado Mobility Coalition; and
- Denver Regional Council of Governments (DRCOG).

Colorado Department of Transportation (CDOT). The CDOT made several presentations on topics including its mission, planning efforts, transportation funding levels, progress on high-priority transportation projects, bond financing from Transportation Revenue Anticipation Notes (TRANS), partnerships with the private sector, and the statewide tolling enterprise. According to CDOT, the Transportation Commission's issuance of \$220 million in TRANS in June of 2002, demonstrated the commission's long-term commitment to transportation funding. The department commented on the benefit to future transportation funding that will result from recently enacted transportation funding legislation, House Bill 02-1310 and Senate Bill 02-179. The bills dedicate 65 percent of excess General Fund revenues to transportation projects.

Transit. The committee heard testimony relating to transit in Colorado. RTD provided an update on the agency's budget, fares, and the RTD's FasTracks plan. FasTracks includes rail, highway and rail, high occupancy vehicle (HOV) lanes, and an enhanced bus network. State transit funding and needs were discussed by the Colorado Mobility Coalition, the Colorado Transit Alliance, and the Colorado Association of Transit Agencies. The Colorado Intermountain Fixed Guideway Authority (CIFGA) explained that the Federal Transit Administration has allocated \$5 million to CIFGA for the continuing development of state-of-the-art technology for its magnetic-levitation project.

Air quality. The Department of Public Health and Environment reviewed the status of air quality in the Denver metro area. The department stated that overall air quality is improving. The department commented on motor vehicle testing requirements, numbers of annual inspections, test failure rates, emissions inspections, and the oxygenated fuels program. The Regional Air Quality Council commented on reducing diesel emissions in the Denver area.

License plate distribution. Another frequently discussed topic was centralized license plate distribution by the Department of Revenue (DOR). The County Clerks Association (CCA) expressed concern with the lack of availability and distribution of license plates, and the negative impact this situation has on customer service. The CCA and the DOR continue to craft a memorandum of understanding to resolve license plate distribution issues and enhance their working relationship. There has been a discrepancy over the number of license plates actually needed and the county clerks' available inventory.

Department of Revenue. The DOR indicated that the state's 2.3 percent population growth is challenging the Motor Vehicle Business Group's (MVBG) services. Growth has had the following impact on the MVBG: (1) a 29 percent increase in drivers' license documents in the last year; (2) five million vehicle registrations in Colorado; (3) a 10 percent increase in license reinstatements; and (4) a 5 percent increase in vehicular accidents, resulting in more transactions. The DOR's Titles and Registration Section reviewed the license plate inventory program. Conducting business via the Internet has helped several DOR sections eliminate their transaction backlog. The DOR also reviewed the following topics: weigh-in motion and electronic clearance of the ports of entry; commercial vehicle electronic credentials; electronic penalty assessments; mobile units; and safety inspections.

Denver Regional Council of Governments (DRCOG). DRCOG indicated that its focus continues to be the Metro Vision 2020 Plan. It also asserted that transportation funds in Colorado are scarce and raised the issue of CDOT's resource allocation process. DRCOG claimed that an approved statewide plan had previously determined that DRCOG would receive 46 percent of the state's federal funding, but the Transportation Commission made a series of resource allocation decisions in 1999 which reduced DRCOG's funding levels from 46 percent to 34 percent.

Annual reports. The committee received annual reports and project updates from the E-470 and Northwest Parkway Public Highway Authorities.

Committee Recommendations

As a result of committee discussion and deliberation, the committee recommended 11 bills for consideration in the 2003 legislative session. Four of these bills (Presumptive Blood Alcohol Content Limit for Driving Under the Influence, Reforming the Colorado State Titling and Registration System (CSTAR), Electronic Formats in the Enforcement of Traffic Law, and Allowing Civil Penalty Assessment Notices for Toll Evasion), were not approved by the Legislative Council for introduction. The bills recommended by Legislative Council are summarized below.

Bill A — Emissions Testing for Diesel Vehicles. This measure changes several provisions of emissions testing for diesel vehicles, including: (1) revising the definition of heavy-duty and light-duty diesel vehicles; (2) increasing the model year exemption for emissions testing from two to four years and decreasing test frequency to biennial testing that are equal to or less than 10 model years old for heavy-duty vehicles; and (3) requiring an emissions test of all diesel vehicles routinely operated in the program area.

Bill B — Speed Limit for Single Axle Vehicles That are in the Business of Transporting Trash. Bill C clarifies that the 45 mile-per-hour speed limit for trash trucks only applies to single-axle vehicles that exceed 20,000 pounds.

Bill C — Clarification of Existing Statutory Provisions to Specify That the Regional Transportation District May Annex Certain Areas Upon the Affirmative Vote of a Majority of the Registered Electors Voting Upon Such Question. This bill clarifies existing statutes. Statutes currently specify that unincorporated portions of any county or portions of a municipality within the regional transportation district may be included in the district by a vote of the majority of registered electors residing in these geographic areas. The bill changes the requirement of inclusion into the district from a majority vote of the total registered electors residing in these geographic areas to a majority vote of those registered electors who vote in the election.

Bill D — Authority of a Fleet Owner to Process the Registration Renewal for a Fleet Vehicle in the County in Which the Fleet Owner's Principal Office is Located Instead of in the County in Which the Fleet Vehicle is Located at the Time of Registration. Bill H authorizes the owner of a fleet vehicle to renew a fleet vehicle registration in the county where the fleet owner's principal office is located, instead of in the county in where the fleet vehicle is located at the time of registration. The vehicle's specific ownership taxes and registration fees are to be collected by the authorized agent of the county where the principal office is located.

Bill E — Commercial Vehicle Permits, and, in Connection therewith, Eliminating Requirements that Certain Commercial Vehicle Permits be Carried in the Vehicle for Which They are Issued So Long as a System is in Place That Allows Enforcement Officials to Electronically Verify That Such Permits Have Been Issued. Current law requires that permits for the use of longer vehicle combinations or excess size and weight vehicles; transportation of manufactured homes; and, transportation of hazardous materials be carried in the commercial vehicles for which they are issued. Bill E would eliminate this requirement as long as a system is in place that allows enforcement officials to electronically verify that such permits have been issued.

Bill F — Requirement that Motorist Insurance Identification Database Program Reporting Requirements for Commercial Lines of Insurance be Designed to Allow Electronic Verification of Insurance Coverage at the Time a Commercial Motor Vehicle That is Part of a Commercial Motor Vehicle Fleet is Registered. Current law requires the Department of Revenue and the Division of Insurance, Department of Regulatory Agencies, to develop rules for administering the Motorist Insurance Identification Database. Bill F addresses electronic verification by the department of commercial motor vehicle insurance policies under these rules. Specifically, the bill requires that reporting requirements be designed to enable the department to electronically verify that vehicles in commercial fleets that are insured by multi-vehicle commercial insurance policies are covered by insurance at the time the vehicles are registered.

Bill G — Requirement That Enforcement Officials Who Perform Commercial Vehicle Safety Inspections be Certified by the Commercial Vehicle Safety Alliance to Perform Level I Inspections. Bill K requires all Level I commercial vehicle safety inspections to be performed by enforcement officers who have been certified by the Commercial Vehicle Safety Alliance, or any successor organization.

STATUTORY AUTHORITY AND RESPONSIBILITIES

The Transportation Legislation Review Committee (TLRC) is established to give guidance and direction in the development of the state transportation system and to provide legislative overview of and input into such development. The committee is comprised of the members of the House Transportation and Energy, and the Senate Government, Veterans and Military Relations, and Transportation Committees.

Specifically, the TLRC is required under Section 43-2-145, C.R.S., to meet at least once a year to review all transportation legislation. Upon completion of its review of the transportation laws, the committee may make recommendations to the Governor and to the General Assembly for such additional legislation as it deems necessary. The committee recommended eleven bills this year; four of the eleven bills were not approved by Legislative Council for introduction.

In its oversight role, the committee is authorized to develop and make recommendations concerning the financing of the state transportation system. The TLRC is also authorized to review any operations of the Colorado Department of Transportation (CDOT), any public highway authority, the Regional Transportation District (RTD), or any rural transportation authority. The committee may review projects after completion to determine whether the project was completed in the most cost-effective and efficient manner. The committee may also require financial or performance audits to be conducted.

The committee may require the CDOT to prepare and adopt 5-, 10-, and 15-year plans for the development of the state transportation system, and the committee must monitor the progress of such plans. The committee is authorized to consult with CDOT personnel and other experts in the field of highway construction as may be necessary. The CDOT personnel are required to cooperate with the committee and with any persons assisting the committee in carrying out its statutory duties.

Background

History of the TLRC. The roots of the TLRC go back to 1953 when the General Assembly reorganized the state highway system and restructured the relationship between state highway, county road, and municipal street systems. First established as the Highway Legislation Review Committee (HLRC), the committee's original charge was to review the implementation and impact of these new highway systems. In 1987, the committee's charge was expanded to include oversight of public highway authorities and projects, such as E-470 and W-470. Public highway authorities are required to report each August to the committee on their activities in the preceding year and their plans for the coming year. In 1989, the General Assembly required the RTD to respond to the HLRC requests for information.

In 1994, pursuant to Senate Bill 94-14, the committee's name was changed from the HLRC to the Transportation Legislation Review Committee to correspond with the renaming of the Department of Transportation. With the name change, the scope of the committee was expanded to parallel the department's focus which had begun incorporating all types of transportation. In 1997, the committee's authority was expanded to include oversight of rural transportation authorities. Pursuant to legislation enacted during the 2000 legislative session, effective January 1, 2001, the membership of the committee changed from three representatives, three senators, and five citizen members appointed by the Governor, to the 18 members of two committees of reference. These committees of reference are the House Transportation and Energy, and the Senate Government, Veterans and Military Relations, and Transportation Committees.

COMMITTEE ACTIVITIES

During the 2002 interim, the TLRC held five meetings and met with representatives of 22 agencies and organizations interested in the development and operation of Colorado's transportation systems. Some of the major topics addressed by the committee this interim are summarized below.

Colorado Department of Transportation (CDOT)

The CDOT Executive Director discussed the mission of the department to provide the best multi-modal transportation system for Colorado that most effectively moves people, goods and information. This mission is considered by CDOT and the Transportation Commission in developing the 20-year "2020 Statewide Transportation Plan."

CDOT's FY 2002-2003 financing system was also discussed. CDOT will receive 61.6 percent of Highway User's Tax Fund distributions in the current fiscal year, while cities receive 15.2 percent and counties receive 23.3 percent. The state will also receive approximately \$295 million in federal funding for transportation. Total revenues available to CDOT will be approximately \$780 million. Of this amount 11.1 percent will be directed to completion of the state's Strategic 28 projects (7th Pot). Statewide programs (projects funded by the Colorado Transportation Commission to maintain infrastructure) will receive 60.5 percent of available funding. Regional programs (projects developed with input from local planning regions) will receive 28.4 percent of available funding. In the current fiscal year, no funding is available from the Senate Bill 97-01 transfer. This bill created a revenue source to fund transportation construction by transferring approximately 10 percent of sales and use taxes in the General Fund contingent on the availability of sufficient revenues to fund other obligations.

Of the 28 "7th Pot Projects," 11 have been fully funded, with construction complete or nearly complete, while the balance of the projects have funds expended and encumbered to varying degrees. The June issuance of \$220 million in Transportation Revenue Anticipation Notes (TRANS) allowed the department to advertise design or construction work for six of the 7th Pot Projects. In response to questions from the committee, the CDOT Executive Director said that the Transportation Commission is committed to completion of the 7th Pot Projects, but that some reprioritization of the projects may occur prior to commencement of work on "8th Pot Projects."

The "8th Pot" is being developed by the Transportation Commission, with input from local planning regions, to accelerate high priority projects in the state. The project list is expected to be completed in late 2002 or early 2003.

The department provided an update on TRANS financing. Outstanding TRANS notes were recently refinanced which saved the state almost \$15 million in interest costs over the life of the notes. Currently, the state has \$1.2 billion in TRANS principal issued, with a ceiling of \$1.7 billion. Total outstanding debt service is currently \$1.9 billion, with a ceiling of \$2.3 billion.

The department addressed the additional future transportation funding made available under House Bill 02-1310 and Senate Bill 02-179. It is estimated that the bills' provisions will provide an additional \$37 billion for transportation projects. The revenue will come from highway tolling revenues, the "growth dividend" provision, and transfers of General Fund surpluses for transportation. The availability of new state funding from the "growth dividend" results from the use of corrected state population statistics (as a result of the most recent decennial federal census) in the calculation of constitutional limitations on the maximum annual increase in state fiscal year spending.

CDOT's two legislative priorities for the 2003 legislative session were presented to the TLRC. Both proposals are designed to increase transportation revenues available to the state. A proposal to lower Colorado's 0.10 standard for drunk driving violations to 0.08 was adopted by the TLRC, but was not approved by the Legislative Council for introduction as a TLRC bill. Under federal law, states failing to adopt this standard lose a percentage of their federal highway construction funding. The estimated impact to Colorado for FY 2003-2004 is approximately \$5 million. CDOT's second legislative priority is to enact a law in Colorado prohibiting open alcoholic containers in motor vehicles. Under federal law, states failing to enact this law are subject to a transfer of federal highway construction funding to safety education programs. Under this mandate, Colorado has had approximately \$15 million transferred to safety education programs.

Denver Regional Council of Governments (DRCOG)

The Executive Director of DRCOG, the Metropolitan Planning Organization for the Denver Metro Area, provided a brief overview of the organization. DRCOG is an association of 51 county and municipal governments which strives to protect and enhance the quality of life in the Denver region. DRCOG creates a 20-year plan for the region, addressing land use, transportation, open space, water quality, environmental quality and the delivery of services for older adults. DRCOG implements a project selection process for federal, state and regional transportation funding.

The executive director pointed out that by 2030, one million new residents will be added to the Denver region, daily vehicle miles traveled will increase by at least 50 percent, and miles of congested roads will increase by more than 90 percent. He noted that current levels of anticipated funding are insufficient to build needed highway lane miles, bridges, and rail corridors.

DRCOG has identified a \$13 billion transportation funding shortfall through the year 2030. Of this shortfall, \$10.3 billion are priority capital needs including RTD's FasTracks rail and transit, currently programmed Transportation Improvement Plan projects, and HOV/Bus lane projects. The Executive Director noted that this funding shortfall could be addressed through new state legislation, reauthorization of federal transportation funding, transportation funding equity or other new sources of funding. If the RTD FasTracks proposal is adopted by voters in the region, the shortfall will still exceed \$4 billion. Potential revenue sources were also discussed with the committee.

Representatives of DRCOG raised the issue of CDOT's resource allocation process. It was noted that the DRCOG region contributes 53 percent of CDOT revenues, but that CDOT allocates only 36 percent of these funds to the DRCOG region. DRCOG pointed out that the decline of the metro area's transportation system will hurt economic development in the region, and that the Denver region as a donor area should be guaranteed a minimum return on the transportation dollars contributed by its residents.

DRCOG claimed that an approved statewide plan had previously determined that DRCOG would receive 46 percent of the state's federal funding, but the Transportation Commission made a series of resource allocation decisions in 1999 which reduced DRCOG's funding levels from the established TEA-21 level of 46 percent to 34 percent.

Representatives of DRCOG stated that the organization recognizes that the DRCOG area must be a donor to other parts of the state, but nevertheless is seeking a fair and formula-based allocation of funds. CDOT representatives responded that a change in percentage did not occur. DRCOG is looking for an opportunity to discuss this issue with the Transportation Commission. A motion to draft a TLRC bill establishing a transportation funding formula and addressing regional funding equity failed.

License Plate Distribution

Representatives of the Colorado County Clerks Association (CCA) informed the committee that they have been working with the Department of Revenue to develop a Memorandum of Understanding (MOU) to resolve license plate distribution issues.

The MOU will address business practices between the department and the CCA to solve license plate inventory problems that have existed since 2001. There have been discrepancies over the number of license plates actually needed in a county and the county clerks' available inventory of plates. CCA stated that some counties have not received the appropriate styles or number of plates. Plates have been sent to counties that did not order them. County governments have been forced to provide funding for the redistribution of plates. The CCA expressed concern with the negative impact this situation has on customer service and said that it has requested an outside facilitator to assist in the development of the MOU and finding solutions.

Representatives of the DOR explained that the DOR Executive Director delegated consideration of the MOU to the Motor Vehicle Business Group within DOR. The Executive Director believes that a legal review of the proposed MOU may be necessary to determine if the department would relinquish any legal rights if it became a signatory to the MOU.

The CCA noted that the proposed MOU was presented to the DOR Executive Director for his consideration in June 2002 and that the department has not yet informed the CCA of DOR's response to the proposal. Representatives of the CCA said that a motion was adopted at a recent conference the Colorado County Clerks Association to discontinue assumption of costs associated with license plate redistribution that should be borne at the state level.

Department of Revenue (DOR)

The DOR noted the state's 2.3 percent population growth has challenged the Motor Vehicle Business Group's (MVBG) ability to provide services. Growth has had the following impacts on MVBG:

- (1) a 29 percent increase in drivers' license documents in the last year;
- (2) five million total vehicle registrations in Colorado;
- (3) a 10 percent increase in license reinstatements in the last year; and
- (4) a 5 percent increase in vehicular accidents in the last year, resulting in more transactions.

The DOR's Titles and Registration Section reviewed its license plate inventory program for the TLRC. The DOR is in the process of automating the license plate ordering system.

Conducting business via the Internet has helped several DOR sections eliminate their transaction backlog. The DOR also updated the TLRC on the following topics: weigh-in motion and electronic clearance of the ports of entry; commercial vehicle electronic credentials; electronic penalty assessments; mobile port of entry units; and safety inspections.

The DOR's Driver's Services Section reported that the Motorist Insurance Database currently reveals that 14 percent of state motorists are uninsured. DOR noted that efforts to comply with budgetary constraints have closed eight motor vehicle offices in the last year.

The department reported to the TLRC that it believes it lacks statutory authority for the issuance of "special event license plates" which are issued for short periods of time, usually 30 to 60 days. The department brought this matter to the attention of the TLRC and may pursue legislation providing specific authority to continue the issuance of the plates. The TLRC adopted a motion expressing the will of the committee that the DOR cease acceptance of further applications for special event license plates pending legislation on the subject.

Regional Transportation District(RTD)/Transit

RTD provided an update on the agency's budget, fares, and the RTD's FasTracks plan. FasTracks includes rail, highway and rail, high occupancy vehicle (HOV) lanes, and an enhanced bus network. FasTracks is being created to provide improved transportation choices to residents of the RTD district and to alleviate traffic congestion. The RTD Executive Director said that Denver is one of the ten most congested metro areas in the country. The FasTracks plan includes a regional fixed rapid transit network, park-n-rides, and the development of the Union Station facility as a multi-modal transit center. RTD representatives pointed out that:

- (1) FasTracks provides an alternative to roadway congestion;
- (2) there would be an economic benefit to the region from FasTrack construction activity;

- (3) FasTracks lays the foundation for future economic growth and vitality; and
- (4) the project would alleviate air quality problems.

State transit funding and needs were discussed by the Colorado Mobility Coalition (CMA), the Colorado Transit Alliance (CTA), and the Colorado Association of Transit Agencies (CASTA). CASTA emphasized the importance of transit in Colorado. CASTA noted that transit ridership is growing with population growth and commented on recent transportation funding legislation which requires that 10 percent of Senate Bill 97-1 funding be invested in strategic transit funding. A representative of the CTA pointed out the benefit of transit in maintaining a viable work force. A representative of the CMC said that the state has invested primarily in highways to date, but with the passage of SB 02-179 the state now has a dedicated source of funding for transit. The Colorado Intermountain Fixed Guideway Authority (CIFGA) explained that the Federal Transit Administration has allocated \$5 million to CIFGA for the continuation of the development of state-of-the-art technology for this magnetic-levitation project.

Public Highway Authorities

Representatives of the Northwest Parkway Authority (NWPPHA) commented on the authority's goal to plan, approve, and oversee the financing, construction and operation of an 11-mile section of road that will add the northwest link to the beltway around metropolitan Denver. It will join Interstate 25 and E-470 north of Denver. Representatives of the E-470 Public Highway Authority stated that E-470 is completing the last phase of the E-470 toll road. The authority's mission is to design, construct, operate, maintain and manage, as a toll facility, the eastern beltway around metropolitan Denver.

SUMMARY OF RECOMMENDATIONS

As a result of the committee's activities, eleven bills were recommended to the Colorado General Assembly. The Legislative Council committee reviews each interim committee's recommendations and determines whether the bills fall within the charge of the interim committee. In the 2002 interim, the Legislative Council approved seven of the TLRC's recommended bills.

Bill A — Concerning Emissions Testing for Diesel Vehicles

This measure changes several provisions pertaining to emissions testing for diesel vehicles, including:

- (1) revising the definition of a heavy-duty vehicle from 7,500 pounds empty weight to a vehicle exceeding 14,000 pounds gross weight;
- (2) defining light-duty diesel vehicles as less than or equal to 14,000 pounds gross weight;
- (3) increasing the model year exemption for emissions testing from two to four years for new heavy-duty vehicles;
- (4) requiring the model year exemption for emissions testing to be its second model year for new light-duty vehicles;
- (5) decreasing test frequency to biennial testing for diesel vehicles that are equal to or less than 10 model years old and at least model year 1995 or newer; and
- (6) requiring an emissions test of all diesel vehicles routinely operated in the program area.

The bill would also require a trained peace officer to conduct a snap acceleration opacity test, or visual observation, to determine if a person has committed an offense of polluting the air. In addition, the bill repeals a provision allowing a person who has receive a pollution complaint to avoid the penalty if the person repairs, disposes of, or decommissions the offending diesel vehicle.

Bill B — Concerning Speed Limit for Single Axle Vehicles that are in the Business of Transporting Trash

Bill B clarifies speed limit statutes for vehicles transporting trash. It specifically requires single axle trash vehicles exceeding 20,000 pounds to adhere to the 45 mile-per-hour speed limit where higher speed limits are posted. Previously, statutes required all trash trucks to maintain the 45 mile-per-hour speed limit.

Bill C — Concerning Clarification of Existing Statutory Provisions to Specify That the Regional Transportation District May Annex Certain Areas Upon the Affirmative Vote of a Majority of the Registered Electors Voting Upon Such Question

This bill clarifies existing statutes. Current statutes specify that a majority of the electors in an area seeking to be included in the regional transportation districts may approve the inclusion of the area. Bill C requires a majority of those registered electors who vote in the election to approve the annexation, not a majority of the total registered electors in the area seeking inclusion.

Bill D — Concerning Authority of a Fleet Owner to Process the Registration Renewal for a Fleet Vehicle in the County in which the Fleet Owner's Principal Office is Located Instead of in the County In Which the Fleet Vehicle is Located at the Time of Registration

Bill D authorizes the owner of a fleet vehicle to renew a fleet vehicle registration in the county where the fleet owner's principal office is located, instead of in the county in where the fleet vehicle is located at the time of registration. The vehicle's specific ownership taxes and registration fees are to be collected by the authorized agent of the county where the principal office is located. The authorized agent in any county in which a fleet vehicle registration renewal is processed will retain an authorized sum to defray the costs of registration. The sum will not be dispersed to the county in which the vehicle is located at the time of registration.

Bill E — Concerning Eliminating Requirements that Certain Commercial Vehicle Permits be Carried in the Vehicle for Which They are Issued So Long as a System is in Place That Allows Enforcement Officials to Electronically Verify That such Permits Have Been Issued

Current law requires that permits be carried in the commercial vehicles for which they are issued for the use of:

- (1) longer vehicle combinations or excess size and weight vehicles;
- (2) transportation of manufactured homes; and,
- (3) transportation of hazardous materials.

Bill E eliminates this requirement as long as a system is in place that allows enforcement officials to electronically verify that such permits have been issued these types of vehicles. Also, this measure allows the CDOT to issue annual fleet permits for the operation of multiple excess size or weight vehicles.

Bill F — Concerning Requirement that Motorist Insurance Identification Database Program Reporting Requirements for Commercial Lines of Insurance be Designed to Allow Electronic Verification of Insurance Coverage at the Time a Commercial Motor Vehicle That is Part of A Commercial Motor Vehicle Fleet is Registered

Current law requires the DOR and the Division of Insurance, Department of Regulatory Agencies, to develop and operate a motorists insurance identification database (MIID) for use by law enforcement officers, state agencies, and courts to determine whether a particular vehicle or operator has appropriate liability insurance coverage. Bill F would require the DOR and the division develop reporting requirements to enable the DOR to electronically verify that any commercial motor vehicle in a commercial fleet, insured by one or more multi-vehicle fleet, is covered by insurance at the time the commercial vehicle is registered.

Bill G — Concerning Requirement That Enforcement Officials Who Perform Commercial Vehicle Safety Inspections be Certified by the Commercial Vehicle Safety Alliance to Perform Level I Inspections

Bill G pertains to the minimum standards (safety regulations) for commercial vehicles. This bill requires all Level I commercial vehicle safety inspections, after September 1, 2003, be performed by enforcement officers who have been certified by the Commercial Vehicle Safety Alliance or any successor organization. Additionally, the enforcement of the Hazardous Materials Transportation Act of 1987, relating to the transportation of hazardous materials by motor vehicle, may only be enforced by an enforcement official. This bill would require such an enforcement official to be certified by the Commercial Vehicle Safety Alliance.

RESOURCE MATERIALS

The resource materials listed below were provided to the committee or developed by Legislative Council Staff during the course of the meetings. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver, (303) 866-2055. For a limited time, the meeting summaries and materials developed by Legislative Council Staff are available on our web site at:

www.state.co.us/gov_dir/leg_dir/lcsstaff/2001/01interim.

| Meeting Summaries | Topics Discussed |
|--------------------------|---|
| June 11, 2002 | Northwest Parkway Authority; E-470 Authority; Roaring Fork Transportation Authority; Colorado Intermountain Fixed Guideway Authority; County Clerks' Association; Colorado Department of Revenue; rumble strips on roads. |
| July 2, 2002 | Regional Transportation District; Colorado Association of Transit Agencies; Transit Alliance; Colorado Mobility Coalition; Roaring Fork Transportation Authority; Department of Revenue; Multi-State Highway Transportation Agreement resolutions/issues; National Conference of State Legislatures. |
| July 30, 2002 | Department of Public Health and Environment; Regional Air Quality Council; Colorado State Patrol; Rising Motor Vehicle Crime in Colorado; Department of Revenue; Colorado State Auditor's Office; License Plate Management System; marketing contracts for specialty license plates; Denver Regional Council of Governments; potential legislative proposals. |
| August 20, 2002 | Colorado Department of Transportation; Denver Regional Council of Governments; transportation funding; Colorado Motor Carriers Association; Colorado Motor Carriers Advisory Council; Commercial Vehicle Efficiency Act - H.J.R. 02-1076 - Study Commercial Vehicle Regulations; presentation of proposals for TLRC Legislation (Colorado State Patrol, Regional Transportation District; Department of Revenue; Diesel Testing Program; Colorado State Titling and Registration System; Special License Plates; E-470 Public Highway Authority; mailings and deliveries of toll evasion correspondence; E-470s ability to tie outstanding civil judgements to drivers license renewal; Roaring Fork Transportation Authority). |

September 12, 2002

Discussion of the Memorandum of Understanding between the Department of Revenue and the County Clerks' Association; presentation of TLRC draft legislation: 0.08 blood alcohol content; Auto Theft Prevention Authority; rumble strips; heavy-duty diesel emissions testing; speed limit trash truck; Colorado State Titling and Registration System; vehicle registration full name; electronic traffic tickets; diesel vehicle emissions standards; RTD annexation; public highway authorities toll evasion; mailing of toll evasion penalty notices; registration renewal for fleet vehicles; commercial vehicle hazardous materials; commercial vehicle permits; and commercial vehicle insurance verification.

Memoranda and Reports

2002 Northwest Parkway Authority Report to the TLRC.

E-470 Public Highway Report to the TLRC.

A Study Toward Improving the Safety, Cost-effectiveness, and Efficiency of the Regulation of Commercial Vehicles in Colorado; House Joint Resolution 02-1076, Colorado Motor Carriers Advisory Council, August 20, 2002.

Regional Transportation District Presentation to the Transportation Legislation Review Committee, July 2, 2002.

Roaring Fork Transportation Authority Presentation, July 2, 2002.

Multi-State Highway Transportation Agreement (MHTA) Alliance, MHTA 202 Annual Report.

Reducing Diesel Emissions in the Denver Region, Regional Air Quality Council and the Air Quality Control Commission.

Colorado Department of Transportation, August 30, 2002, Presentation to the TLRC.

Denver Regional Council of Governments, *Denver Metro Areas Transportation Finance Issues, "Enhancing and Protecting the Quality of Life in Our Region."*

Colorado Department of Revenue, List of Legislative Proposals.

Bill A

HOUSE SPONSORSHIP

Ragsdale, Coleman, and Borodkin

SENATE SPONSORSHIP

Teck, Entz, May, and Takis

A BILL FOR AN ACT

CONCERNING EMISSIONS TESTING FOR DIESEL VEHICLES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Transportation Legislation Review Committee. Changes the definition of a heavy-duty diesel vehicle from a vehicle that exceeds 7,500 pounds empty weight to a vehicle that exceeds 14,000 pounds gross vehicle weight rating. Defines light-duty diesel vehicle.

Increases the model year exemption from 2 to 4 years for heavy-duty diesel vehicles and decreases test frequency to biennial testing for heavy-duty vehicles that are equal to or less than 10 model years old and at least model year 1995. Requires testing of all diesel vehicles routinely operated in the program area, not just those registered, required to be registered, or housed in the program area. Allows the use of an automated testing protocol as an option for fleet heavy-duty vehicles equal to or less than 10 model years old. Eliminates visual testing for heavy-duty vehicles in the fleet program for vehicles greater than 10 model years old.

Authorizes the transfer of ownership of a diesel vehicle from the lessor to the lessee without an emissions test during the first 4 model years of the vehicle's life. Changes from 50% to 40% for less than one second the peak smoke opacity limit that may be promulgated by the air quality

control commission.

Authorizes a trained peace officer to perform a snap acceleration opacity test to determine if a person has committed the offense of polluting the air. Repeals a clause that allows a person who has received a complaint for polluting the air to avoid the penalty if such person repairs or decommissions the offending diesel vehicle.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 42-4-414 (1) and (2), Colorado Revised Statutes,

are amended to read:

42-4-414. Heavy-duty diesel fleet inspection and maintenance

program - penalty. (1) The commission shall develop and implement, effective January 1, 1987, a fleet inspection and maintenance program for diesel-powered motor vehicles of more than ~~seven thousand five hundred~~ FOURTEEN THOUSAND pounds ~~empty weight~~ GROSS VEHICLE WEIGHT RATING. Regional transportation district buses, state, county, and municipal vehicles, and private diesel fleets shall participate in the program through self-certification inspection procedures as developed by the commission.

(2) (a) The executive director of the department of public health and environment shall promulgate rules ~~and regulations~~ requiring owners of diesel-powered motor vehicles, registered in the program area and subject to the provisions of this section, to bring such vehicles into

compliance with existing opacity standards set forth in section 42-4-412. Such rules and regulations shall be strictly construed, shall require no more than normal and reasonable maintenance practices, and shall not require additional fees or loaded mode testing equipment. Owners of fleets shall test opacity standards on a periodic basis.

(b) SUCH TEST SHALL USE AN OPACITY METER FOR SUCH VEHICLES THAT ARE GREATER THAN TEN MODEL YEARS OLD, BUT MAY USE AN AUTOMATED OPACITY METERING PROTOCOL FOR SUCH VEHICLES THAT ARE LESS THAN OR EQUAL TO TEN MODEL YEARS OLD AND OF MODEL YEAR 1995 OR NEWER.

(c) SUCH RULES SHALL EXEMPT A NEW DIESEL VEHICLE FROM TESTING UNTIL SUCH VEHICLE HAS REACHED ITS SECOND MODEL YEAR IF IT IS A LIGHT-DUTY DIESEL VEHICLE, ITS FOURTH MODEL YEAR IF IT IS A HEAVY-DUTY DIESEL VEHICLE, OR UNTIL THE DATE OF THE TRANSFER OF OWNERSHIP PRIOR TO SUCH EXPIRATION.

(d) SUCH RULES SHALL PROVIDE FOR THE TESTING OF DIESEL VEHICLES EVERY:

(I) TWELVE MONTHS UNLESS SUBPARAGRAPH (II) OF THIS PARAGRAPH (d) APPLIES; OR

(II) THE LAST TWENTY-FOUR MONTHS IF SUCH VEHICLE IS A

HEAVY-DUTY DIESEL VEHICLE, EQUAL TO OR LESS THAN TEN MODEL YEARS OLD, AND OF MODEL YEAR 1995 OR NEWER.

SECTION 2. 42-4-401 (7), Colorado Revised Statutes, is amended, and the said 42-4-401 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

42-4-401. Definitions. As used in this part 4, unless the context otherwise requires:

(6.3) "HEAVY-DUTY DIESEL VEHICLE" MEANS A VEHICLE THAT IS GREATER THAN FOURTEEN THOUSAND POUNDS GROSS VEHICLE WEIGHT RATING.

(6.7) "LIGHT-DUTY DIESEL VEHICLE" MEANS A VEHICLE THAT IS LESS THAN OR EQUAL TO FOURTEEN THOUSAND POUNDS GROSS VEHICLE WEIGHT RATING.

(7) "Opacity meter" means an optical instrument ~~which~~ THAT is designed to measure the opacity of diesel exhaust gases. ~~by measuring the full flow of exhaust gases which pass through the optical unit.~~

SECTION 3. 42-4-406 (1) (a), (1) (b) (II), and (2) (b), Colorado Revised Statutes, are amended to read:

42-4-406. Requirement of certification of emissions control for registration - testing for diesel smoke opacity compliance. (1) (a) On

~~or after January 1, 1990, no~~ A diesel vehicle in the program area which THAT is registered or required to be registered pursuant to article 3 of this title, ROUTINELY OPERATES IN THE PROGRAM AREA, or is principally operated from a terminal, maintenance facility, branch, or division located within the program area shall NOT be sold, registered for the first time, or reregistered unless such vehicle has been issued a certification of emissions control within:

(I) The past twelve months UNLESS SUBPARAGRAPH (II) OF THIS PARAGRAPH (a) APPLIES; OR

(II) THE LAST TWENTY-FOUR MONTHS IF SUCH VEHICLE IS EQUAL TO OR LESS THAN TEN MODEL YEARS OLD, A HEAVY-DUTY DIESEL VEHICLE, AND OF MODEL YEAR 1995 OR NEWER.

(b) (II) Notwithstanding the provisions of subparagraph (I) of this paragraph (b), new diesel vehicles, required under this section to have a certification of emissions control, shall be issued a certification of emissions compliance without inspection or testing. Such certificate shall expire on the anniversary of the day of the issuance of such certification when such vehicle has reached its second model year IF IT IS A LIGHT-DUTY DIESEL VEHICLE, ITS FOURTH MODEL YEAR IF IT IS A HEAVY-DUTY DIESEL VEHICLE, or on the date of the transfer of ownership ~~at any time~~ prior to the

~~second model year~~ SUCH EXPIRATION UNLESS SUCH TRANSFER OF OWNERSHIP IS A TRANSFER FROM THE LESSOR TO THE LESSEE. Prior to the expiration of such certification, such vehicle shall be inspected and a certification of emissions control shall be obtained for diesel smoke opacity compliance.

(2) (b) ~~On or after January 1, 1990, all~~ Light-duty ~~(seven thousand five hundred pounds and less empty weight)~~ diesel vehicles in the program area shall be required to be tested for diesel smoke opacity compliance at a licensed diesel inspection station by submitting to loaded mode opacity testing utilizing dynamometers.

SECTION 4. 42-4-403 (2) (c), Colorado Revised Statutes, is amended to read: **42-4-403. Powers and duties of the commission.** (2) (c) The commission may also develop peak smoke opacity limits but such limits shall not be less than ~~fifty~~ FORTY percent for less than one second.

SECTION 5. 42-4-412 (1) (b) and (4) (c), Colorado Revised Statutes, are amended to read:

42-4-412. Air pollution violations. (1) (b) Violations of this section may be determined by visual observations, INCLUDING THE SNAP ACCELERATION OPACITY TEST, or by test procedures using opacity

measurements.

(4) (c) If the owner of the vehicle described in the complaint assessment notice presents in person to the court an affidavit that the vehicle has been disposed of in such a manner that it will no longer be operated on the highways, together with the registration card and number plates of such vehicle, the fine shall be suspended. Likewise, upon presentation, in person, of an affidavit of the owner that such vehicle has been repaired prior to the date set for appearance upon the charge, which appearance date shall be at least fifteen days after the alleged offense, stating the date, location, and nature of repairs made, together with the name of the person making said repairs, and that the vehicle is not in violation of the provisions of this section when in normal operation, the fine shall be suspended. Likewise, upon presentation by mail or in person, of an affidavit of the owner that such vehicle is being repaired or will be repaired within thirty days after the alleged offense, the cause shall be continued at least fifteen days. Any such affidavits are subject to the penalties of perjury in the second degree if made in violation of the provisions of section 18-8-503, C.R.S. Any owner who receives a citation under the provisions of this section may continue to use the vehicle for which the offense is alleged, without restriction, until such owner's

conviction.

SECTION 6. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

DRAFT

Bill A

Colorado Legislative Council Staff
**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 03-0065
Prime Sponsor(s): Rep. Ragsdale
Sen. Teck

Date: November 21, 2002
Bill Status: Transportation Legislation Review
Committee
Fiscal Analyst: Chris Ward (303-866-5834)

TITLE: CONCERNING EMISSIONS TESTING FOR DIESEL VEHICLES.

| Fiscal Impact Summary | FY 2003/2004 | FY 2004/2005 |
|--|---------------------|---------------------|
| State Revenues | | |
| General Fund | \$1,948 | \$2,125 |
| Cash Fund - HUTF/AIR Account | (\$21,611) | (\$23,576) |
| State Expenditures | | |
| General Fund | | |
| Cash Fund Exempt - HUTF/CSTARS Account | \$3,520 | |
| FTE Position Change | 0.0 FTE | 0.0 FTE |
| Other State Impact: TABOR Impact | | |
| Effective Date: 90 days after adjournment (August 5, 2003), unless a referendum petition is filed. | | |
| Appropriation Summary for FY 2003/2004: Department of Revenue - \$3,520 - Colorado State Titling and Registration Account/HUTF | | |
| Local Government Impact: Reduced costs for counties and municipalities that operate diesel vehicles in the program area; also minimal increase in revenue from penalties. | | |

Summary of Legislation

The bill modifies the requirements for testing diesel vehicle emissions. Specifically, the bill:

- expands the model year exemption from 2 to 4 years for heavy-duty diesel vehicles;
- decreases the frequency of tests from annual to biennial for heavy-duty vehicles that are 10 model years old or newer and at least model year 1995;
- requires testing of all diesel vehicles routinely operated in the program area, even if such vehicles are not registered or housed in the program area; and
- authorizes the transfer of ownership of a diesel vehicle from the lessor to the lessee without an emissions test during the first 4 model years of the vehicle's life;

The bill also makes other changes to the program, including changing the definition of a heavy-duty diesel vehicle from a vehicle that exceeds 7,500 pounds empty weight to a vehicle that exceeds 14,000 pounds gross vehicle weight rating. The diesel emission program encompasses all

or portions of the following counties: Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, Jefferson, Larimer, and Weld.

State Revenues

State law requires diesel emission inspection stations to impose a fee on all vehicles tested. This fee is set by the Air Quality Control Commission at \$5 to cover the costs of the Department of Public Health and Environment and the Department of Revenue related to the administration of the program. This fee is paid by owners of private non-fleet diesel vehicles. Owners of other diesel vehicles (RTD buses; state, county, and municipal vehicles; and private diesel fleets) participate in the inspection program through self-verification inspection procedures and are not subject to the fee.

This bill contains several provisions that affect state revenue from fees imposed for emissions inspections of diesel vehicles, as well as from penalties imposed on violations. Overall, the bill is expected to reduce state revenues by \$21,451 annually. The impact includes an estimated net reduction in emission testing fees of \$23,576 per year and an estimated increase in penalties of \$2,125 per year. The net impact on fee revenue includes both decreases and increases across different segments of the industry. Additional detail on this impact is available in the Legislative Council Staff offices. Since the bill is effective August 5, 2003, the impact for FY 2003-04 reflects 11 months' worth of collections, or a net reduction in state revenues of \$19,663. It should be noted that this fiscal note assumes that all revenue from penalties imposed by state personnel (i.e., motor carriers safety officers inspecting vehicles at ports of entry), will be credited to the state General Fund.

State Expenditures

The Department of Revenue would be required to modify the motor vehicle registration system to account for the new cycle of emission tests for diesel vehicles. An estimated 80 hours of programming will be required to modify the Colorado State Titling and Registration system (CSTARS), generating a cost of \$3,520 CFE in FY 2003-04. These costs would be paid from the Colorado State Titling and Registration Account of the Highway Users Tax Fund. It should be noted that these computer programming resources may also be included in the FY 2003-04 Long Bill. If funding is provided in the Long Bill, no additional appropriation for this bill would be required. In addition, the department is in the process of rewriting the CSTAR system and additional costs may result. These additional costs cannot be quantified at this time.

Under the bill, state ports of entry personnel are expected to conduct diesel emission tests as part of their overall inspection efforts. No additional cost has been associated with this function. State agencies that operate diesel vehicles in the program area are responsible for inspecting and certifying such vehicles. By reducing the frequency of such inspections, the bill will reduce the costs of these agencies. These cost savings have not been estimated, but are expected to be minimal.

Other State Impacts

This bill will reduce state revenues and will therefore reduce the amount of any potential future state refunds under TABOR.

Local Government Impact

Counties and municipalities that operate diesel vehicles in the program area are responsible for inspecting and certifying such vehicles. By reducing the frequency of such inspections, the bill will reduce the costs of these local governments. These cost savings have not been estimated, but are expected to be minimal.

State Appropriations

For FY 2003-04, the Department of Revenue would require a cash fund exempt appropriation of \$3,520 from the Colorado State Titling and Registration Account in the Highway Users Tax Fund. However, if these moneys are provided in the Long Bill, no additional appropriation would be required.

Departments Contacted

Public Health and Environment

Public Safety

Revenue

Transportation

Bill B

SENATE SPONSORSHIP

Entz, Teck, Takis, and May

HOUSE SPONSORSHIP

Borodkin, Coleman, Ragsdale, and Williams S.

A BILL FOR AN ACT

CONCERNING THE SPEED LIMIT FOR SINGLE AXLE VEHICLES THAT ARE IN
THE BUSINESS OF TRANSPORTING TRASH.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Transportation Legislation Review Committee. Clarifies that the 45 mile-per-hour speed limit for trash trucks only applies to single axle vehicles that exceed 20,000 pounds.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 42-4-1101 (2) (e), Colorado Revised Statutes, is amended to read:

42-4-1101. Speed limits. (2) Except when a special hazard exists that requires a lower speed, the following speeds shall be lawful:

(e) Forty-five miles per hour for all SINGLE AXLE vehicles in the business of transporting trash THAT EXCEED TWENTY THOUSAND POUNDS, where higher speeds are posted, when said vehicle is loaded as an exempted vehicle pursuant to section 42-4-507 (3);

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

DRAFT

Bill B

Colorado Legislative Council Staff

**STATE and LOCAL
FISCAL NOTE**

No State General Fund Impact

Drafting Number: LLS 03-0061
Prime Sponsor(s): Sen. Entz
Rep. Borodkin

Date: October 29, 2002
Bill Status: Transportation Legislation Review
Committee
Fiscal Analyst: Todd Herreid (303-866-2633)

TITLE: CONCERNING THE SPEED LIMIT FOR SINGLE AXLE VEHICLES THAT ARE IN
THE BUSINESS OF TRANSPORTING TRASH.

| Fiscal Impact Summary | FY 2003/2004 | FY 2004/2005 |
|--|---------------------|---------------------|
| State Revenues General Fund Cash Fund - HUTF | (Revenue Reduction) | |
| State Expenditures General Fund | | |
| FTE Position Change | 0.0 FTE | 0.0 FTE |
| Other State Impact: None | | |
| Effective Date: 90 days after adjournment (August 5, 2003), unless a referendum petition is filed. | | |
| Appropriation Summary for FY 2003-2004: None | | |
| Local Government Impact: Marginal reduction in local government revenues from speed limit infractions. | | |

Summary of Legislation

Under current law, all vehicles in the business of transporting trash are restricted to traveling at 45 miles per hour or less when loaded, where higher speeds are posted. This bill clarifies that the 45 miles per hour speed limit only applies to single axle vehicles weighing more than 20,000 pounds.

State Revenues

Under current law, some garbage trucks with dual rear axles are ticketed for exceeding the 45 miles per hour speed limit. Any ticket issued by the Colorado State Patrol is deposited into the Highway Users Tax Fund (HUTF). Although the number of speeding tickets issued for this infraction is certainly small, the bill will nevertheless reduce the number issued. This will decrease revenues deposited into the Highway Users Tax Fund by a marginal amount.

Local Government Impact

Under current law, some garbage trucks with dual rear axles are ticketed for exceeding the 45 miles per hour speed limit. Any ticket issued by a local peace officer is deposited into a local government fund. Although the number of speeding tickets issued for this infraction is certainly small, the bill will nevertheless reduce the number issued. This will decrease revenues deposited into local government funds by a marginal amount. In addition, surcharges collected on speeding infractions will be reduced, which will decrease funding for victims and witnesses assistance programs.

Spending Authority

No new state appropriations are required to implement the bill in FY 2003-04.

Departments Contacted

Public Safety

Judicial

Local Affairs

Revenue

Omissions and Technical or Mechanical Defects

The Department of Revenue indicates that the language in the bill on page 2, line 5 would be more accurate if it were to read: "...all single *rear* axle vehicles..."

Bill C

HOUSE SPONSORSHIP

Ragsdale, and Williams S.

SENATE SPONSORSHIP

Takis

A BILL FOR AN ACT

CONCERNING THE CLARIFICATION OF EXISTING STATUTORY PROVISIONS TO
SPECIFY THAT THE REGIONAL TRANSPORTATION DISTRICT MAY
ANNEX CERTAIN AREAS UPON THE AFFIRMATIVE VOTE OF A
MAJORITY OF THE REGISTERED ELECTORS VOTING UPON SUCH
QUESTION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Transportation Legislation Review Committee. Clarifies existing statutory requirements to specify that areas in specified unincorporated portions of any county or of a specified municipality or portion thereof within the regional transportation district may be included in such district where the inclusion is approved by a majority of the registered electors who reside within the geographic boundaries of such area and who vote in such election.

Makes a conforming amendment.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 32-9-106.7 (1) (b) (II) (B) and (1) (c), Colorado

Revised Statutes, are amended to read:

32-9-106.7. Additional district area - petition or election - required filings. (1) The following areas may be included in the district according to the terms set forth in this section:

(b) For any area in an unincorporated portion of any county containing multiple parcels of land, any of which is less than thirty-five acres and which area is contiguous to any boundary of the district, the area may be included in the district after one of the following conditions is met:

(II) (B) The board authorizes an election to be held in the area sought to be included and a majority of ~~the~~ THOSE registered electors, as defined in section 1-1-104 (35), C.R.S., who reside within the geographic boundaries of the area AND WHO VOTE IN SUCH ELECTION, approve the inclusion of the area in the district.

(c) (I) Any municipality or portion thereof that is contiguous to any boundary of the district may be included in the district if a petition requesting an election for including the specified area in the district signed by at least eight percent of the eligible electors who reside within the geographic boundaries of the area is submitted to the board. The petition

shall contain a legal description of the area to be included in the district;

and

(II) The board authorizes an election TO BE HELD in the area sought to be included and a majority of ~~the~~ THOSE registered electors, as defined in section 1-1-104 (35), C.R.S., who reside within the geographic boundaries of the area AND WHO VOTE IN SUCH ELECTION, approve THE inclusion of the area in the district.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

DRAFT

Bill C

Colorado Legislative Council Staff
NO FISCAL IMPACT

Drafting Number: LLS 03-0074
Prime Sponsor(s): Rep. Ragsdale
Sen. Takis

Date: October 17, 2002
Bill Status: Transportation Legislation Review
Committee
Fiscal Analyst: Todd Herreid (303-866-2633)

TITLE: CONCERNING THE CLARIFICATION OF EXISTING STATUTORY PROVISIONS TO SPECIFY THAT THE REGIONAL TRANSPORTATION DISTRICT MAY ANNEX CERTAIN AREAS UPON THE AFFIRMATIVE VOTE OF A MAJORITY OF THE REGISTERED ELECTORS VOTING UPON SUCH QUESTION.

Summary of Assessment

Under current law, the Regional Transportation District can annex additional areas only if a majority of registered voters who reside within the geographic boundaries of the area to be annexed approve the annexation. This bill clarifies that annexation can take place if a majority of registered voters who reside within the geographic boundaries of the area, and who vote in the election, approve the annexation.

The bill is not expected to create any additional state or local government expenditures, and is therefore assessed as having no fiscal impact. The bill is effective upon the signature of the Governor.

Departments Contacted

Local Affairs

Regional Transportation District

Bill D

SENATE SPONSORSHIP

May, Entz, and Teck

HOUSE SPONSORSHIP

Stafford

A BILL FOR AN ACT

CONCERNING THE AUTHORITY OF A FLEET OWNER TO PROCESS THE
REGISTRATION RENEWAL FOR A FLEET VEHICLE IN THE COUNTY IN
WHICH THE FLEET OWNER'S PRINCIPAL OFFICE IS LOCATED
INSTEAD OF IN THE COUNTY IN WHICH THE FLEET VEHICLE IS
LOCATED AT THE TIME OF REGISTRATION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Transportation Legislation Review Committee. Authorizes a fleet owner to process the registration renewal for any fleet vehicle, with the exception of Class A personal property, in the county where the fleet owner's principal office is located instead of in the county in which the fleet vehicle is located at the time of registration. Specifies that any fleet vehicle for which the registration renewal is processed in the county where the fleet owner's principal office is located shall continue to be registered

in the county in which the fleet vehicle is located at the time of registration.

Specifies that it is the duty of the authorized agent in the county where the principal office is located to collect the registration fee and specific ownership tax payable on each fleet vehicle for which the registration renewal is processed by the fleet owner in such county.

Directs the authorized agent in any county in which a fleet vehicle registration renewal is processed to retain the sum authorized pursuant to state statute to defray the costs associated with vehicle registration, and specifies that the agent shall not disperse such sum to the county in which the fleet vehicle is located at the time of registration. Directs the authorized agent in the county in which a fleet vehicle registration renewal is processed to transmit to the department of revenue all other fees and moneys collected by the agent.

Specifies that the annual specific ownership tax on each fleet vehicle for which the registration renewal is processed in the county in which the principal office is located shall become due and payable to the authorized agent in such county. Directs the authorized agent in such county to apportion the specific ownership taxes collected for all fleet vehicles for which the registration renewal is processed to the counties in which the fleet vehicles are located at the time of registration in proportion to the number of fleet vehicles located in each county.

Defines a term.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 42-1-102, Colorado Revised Statutes, is amended

BY THE ADDITION OF A NEW SUBSECTION to read:

42-1-102. Definitions - repeal. As used in articles 1 to 4 of this title, unless the context otherwise requires:

(72.7) "PRINCIPAL OFFICE" MEANS THE OFFICE IN THIS STATE DESIGNATED BY A FLEET OWNER AS ITS PRINCIPAL PLACE OF BUSINESS.

SECTION 2. 42-3-107 (19), Colorado Revised Statutes, is

amended, and the said 42-3-107 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

42-3-107. Taxable value of classes of property - rate of tax - when and where payable - department duties - apportionment of tax collections - definitions. (19) EXCEPT AS PROVIDED IN SUBSECTION (26) OF THIS SECTION, it is the duty of each authorized agent to collect the registration fee on every item of classified personal property located in the agent's county at the time of registration and to collect the specific ownership taxes payable on each such item registered, except those items classified as Class A upon which the specific ownership tax is collected by the department and except those items classified as Class F when such tax is collected under subsection (16) of this section, at the time of registration. The failure of any authorized agent to collect the registration fee and specific ownership tax on any item of classified personal property shall not release the owner thereof from liability for the registration of such vehicle.

(26) (a) NOTWITHSTANDING ANY PROVISION IN THIS ARTICLE TO THE CONTRARY, A FLEET OWNER MAY PROCESS THE REGISTRATION RENEWAL FOR ANY FLEET VEHICLE, WITH THE EXCEPTION OF CLASS A PERSONAL PROPERTY, IN THE COUNTY IN WHICH THE FLEET OWNER'S PRINCIPAL OFFICE IS LOCATED INSTEAD OF IN THE COUNTY IN WHICH THE

FLEET VEHICLE IS LOCATED AT THE TIME OF REGISTRATION. ANY FLEET VEHICLE FOR WHICH THE REGISTRATION RENEWAL IS PROCESSED PURSUANT TO THIS SUBSECTION (26) SHALL CONTINUE TO BE REGISTERED IN THE COUNTY IN WHICH IT IS LOCATED AT THE TIME OF REGISTRATION. THE PROVISIONS OF THIS SUBSECTION (26) SHALL NOT APPLY TO ANY FLEET VEHICLE THAT WAS NOT PREVIOUSLY REGISTERED IN COLORADO AT THE TIME OF REGISTRATION.

(b) IF A FLEET OWNER CHOOSES TO PROCESS THE REGISTRATION RENEWAL OF A FLEET VEHICLE IN THE COUNTY IN WHICH THE OWNER'S PRINCIPAL OFFICE IS LOCATED INSTEAD OF IN THE COUNTY IN WHICH THE VEHICLE IS LOCATED, IT IS THE DUTY OF THE AUTHORIZED AGENT IN THE COUNTY WHERE THE OWNER'S PRINCIPAL OFFICE IS LOCATED TO COLLECT THE REGISTRATION FEE AND SPECIFIC OWNERSHIP TAX PAYABLE ON EACH FLEET VEHICLE FOR WHICH THE REGISTRATION RENEWAL IS PROCESSED BY THE FLEET OWNER IN SUCH COUNTY.

(c) THE AUTHORIZED AGENT IN ANY COUNTY IN WHICH A FLEET VEHICLE REGISTRATION RENEWAL IS PROCESSED PURSUANT TO THIS SECTION SHALL RETAIN THE SUM AUTHORIZED PURSUANT TO SECTION 42-1-210 (1) (a) TO DEFRAY THE COSTS ASSOCIATED WITH VEHICLE REGISTRATION AND SHALL NOT DISPERSE SUCH SUM TO THE COUNTY IN

WHICH THE FLEET VEHICLE IS LOCATED AT THE TIME OF REGISTRATION. THE AUTHORIZED AGENT IN THE COUNTY IN WHICH A FLEET VEHICLE REGISTRATION RENEWAL IS PROCESSED PURSUANT TO THIS SECTION SHALL TRANSMIT TO THE DEPARTMENT ALL FEES AND MONEYS COLLECTED BY THE AGENT PURSUANT TO SECTION 42-1-214.

(d) THE ANNUAL SPECIFIC OWNERSHIP TAX ON EACH FLEET VEHICLE FOR WHICH THE REGISTRATION RENEWAL IS PROCESSED IN THE COUNTY IN WHICH THE FLEET OWNER'S PRINCIPAL OFFICE IS LOCATED SHALL BECOME DUE AND PAYABLE TO THE AUTHORIZED AGENT IN SUCH COUNTY PURSUANT TO THIS ARTICLE. THE AUTHORIZED AGENT IN SUCH COUNTY SHALL APPORTION THE SPECIFIC OWNERSHIP TAXES COLLECTED FOR ALL FLEET VEHICLES FOR WHICH THE REGISTRATION RENEWAL IS PROCESSED IN SUCH COUNTY PURSUANT TO THIS SUBSECTION (26) TO THE COUNTIES IN WHICH THE FLEET VEHICLES ARE LOCATED AT THE TIME OF REGISTRATION IN PROPORTION TO THE NUMBER OF FLEET VEHICLES LOCATED IN EACH COUNTY.

(e) (I) THE PROVISIONS OF THIS SUBSECTION (26) SHALL APPLY TO REGISTRATION RENEWAL FOR FLEET VEHICLES UPON IMPLEMENTATION OF THE COLORADO STATE TITLING AND REGISTRATION SYSTEM, ESTABLISHED IN SECTION 42-1-211, BY THE DEPARTMENT.

(II) THE DEPARTMENT SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING ON OR BEFORE JANUARY 1, 2006, WHETHER THE COLORADO STATE TITLING AND REGISTRATION SYSTEM HAS BEEN IMPLEMENTED BY THE DEPARTMENT.

SECTION 3. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

DRAFT

Bill D

Colorado Legislative Council Staff

**STATE and LOCAL
FISCAL IMPACT**

No State General Fund Impact

Drafting Number: LLS 03-0072

Date: November 1, 2002

Prime Sponsor(s): Sen. May
Rep. Stafford

Bill Status: Transportation Legislation Review
Committee

Fiscal Analyst: Chris Ward (303-866-5834)

TITLE: CONCERNING THE AUTHORITY OF A FLEET OWNER TO PROCESS THE REGISTRATION RENEWAL FOR A FLEET VEHICLE IN THE COUNTY IN WHICH THE FLEET OWNER'S PRINCIPAL OFFICE IS LOCATED INSTEAD OF IN THE COUNTY IN WHICH THE FLEET VEHICLE IS LOCATED AT THE TIME OF REGISTRATION.

| Fiscal Impact Summary | FY 2003/2004 | FY 2004/2005 | FY 2005/2006 |
|--|--------------|--------------|--------------|
| State Revenues General Fund | | | |
| State Expenditures General Fund | | | |
| Cash Fund - Highway Users Tax Fund | | increase* | increase* |
| FTE Position Change | 0.0 FTE | 0.0 FTE | 0.0 FTE |
| Other State Impact: None | | | |
| Effective Date: 90 days after adjournment (August 5, 2003), unless a referendum petition is filed; applies to registration renewals conducted after a new motor vehicle registration system is implemented on or before January 1, 2006. | | | |
| Appropriation Summary for FY 2003/2004: None required | | | |
| Local Government Impact: Shifting of revenues and expenditures among counties. | | | |

* The increase in expenditures has not been estimated. An estimate will be provided after a contract for rewriting the Colorado State Titling and Registration System has been approved.

Summary of Legislation

The bill allows fleet owners to apply for a registration renewal in the county in which the fleet owner's headquarters office is located, rather than applying in each county where the fleet vehicles are located. County clerks, acting as agents of the Department of Revenue, would be required to collect all applicable taxes and fees and forward this money to the appropriate destination, after retaining a portion to cover the costs of processing the registration. The provisions of the bill would not apply to class A personal property (interstate-registered vehicles).

State Expenditures

The bill requires modification of the state's motor vehicle registration system to allow registration renewal in any county in the state, regardless of the county where the vehicle is located. The bill anticipates that this modification will occur as part of the rewrite of the Colorado State Titling and Registration System (CSTRS), currently scheduled to be completed by January 1, 2006. However, the Department of Revenue, which is overseeing the rewrite project, indicates that the bill cannot be implemented within the project's approved scope and a change order will be required. The cost for this change order is currently unknown and will be based on estimates to be provided by the project vendor. An estimate of the cost will be available after a proposed contract has been approved, probably in late January 2003.

Any costs for implementing the bill would be paid from the Colorado State Titling and Registrations Account of the Highway Users Tax Fund.

Local Government Impact

Under the bill, certain fleet vehicle registrations would likely shift from some counties to others. As a result, the bill will shift both revenues and expenditures from among the state's 64 counties. County clerks are allowed to charge \$2 for each registration renewal application processed. The amount of any shifted revenues or expenditures, as well as the counties affected by this shift, cannot be determined at this time. Further detail regarding the number of fleet vehicles registered in each county and the number of fleets headquartered in each county is available in the Legislative Council Staff offices.

The bill requires Specific Ownership taxes to be apportioned to counties in proportion to the number of vehicles in each county. This provision may further shift revenue among local governments by distributing revenues based on an average per-vehicle amount, instead of distributing revenues based on each vehicle's actual age and value, as required by current law.

State Appropriations

No new expenditures are required in FY 2003-04 to implement the bill.

Departments Contacted

Revenue

Bill E

SENATE SPONSORSHIP

May, Entz, and Teck

HOUSE SPONSORSHIP

Larson

A BILL FOR AN ACT

CONCERNING COMMERCIAL VEHICLE PERMITS, AND, IN CONNECTION THEREWITH, ELIMINATING REQUIREMENTS THAT CERTAIN PERMITS BE CARRIED IN THE VEHICLES FOR WHICH THEY ARE ISSUED SO LONG AS A SYSTEM IS IN PLACE THAT ALLOWS ENFORCEMENT OFFICIALS TO ELECTRONICALLY VERIFY THAT SUCH PERMITS HAVE BEEN ISSUED, AND ALLOWING THE DEPARTMENT OF TRANSPORTATION TO ISSUE ANNUAL FLEET PERMITS FOR EXCESS SIZE AND WEIGHT VEHICLES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Transportation Legislation Review Committee. Eliminates the requirement that permits for the use of longer vehicle combinations or excess size and weight vehicles, permits for the transportation of manufactured homes, and permits for the transportation of hazardous

materials be carried in the commercial vehicles for which they are issued so long as a system is in place that allows enforcement officials to electronically verify that such permits have been issued. Allows the Colorado department of transportation to issue annual fleet permits for the operation of multiple excess size or weight vehicles for which the issuance of such permits is not currently authorized.

Makes conforming amendments.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 42-4-505 (1) (a), Colorado Revised Statutes, is

amended to read:

42-4-505. Longer vehicle combinations.

(1) (a) Notwithstanding any other provision of this article to the contrary, the department of transportation, in the exercise of its discretion, may issue permits for the use of ~~Longer~~ LONGER vehicle combinations. An annual permit for such use may be issued to each qualified carrier company. The carrier company shall maintain a copy of such annual permit in each vehicle operating as a longer vehicle combination; EXCEPT THAT, IF A SYSTEM IS IN PLACE THAT ALLOWS ANY PEACE OFFICER, AS DEFINED IN SECTION 18-1-901 (3) (I), C.R.S., OR AUTHORIZED AGENT OF THE DEPARTMENT OF TRANSPORTATION TO ELECTRONICALLY VERIFY THAT AN ANNUAL PERMIT HAS BEEN ISSUED, A COPY OF THE PERMIT NEED NOT BE CARRIED IN EACH VEHICLE. The fee for the permit shall be two hundred fifty dollars per year.

SECTION 2. 42-4-510 (2) (b) (I) and (4), Colorado Revised Statutes, are amended, and the said 42-4-510 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

42-4-510. Permits for excess size and weight and for manufactured homes. (1.5) (a) THE DEPARTMENT OF TRANSPORTATION MAY, UPON APPLICATION IN WRITING AND GOOD CAUSE BEING SHOWN THEREFOR, ISSUE AN ANNUAL FLEET PERMIT IN WRITING AUTHORIZING THE APPLICANT TO OPERATE OR MOVE ANY TWO OR MORE VEHICLES OWNED BY THE APPLICANT OF A SIZE OR WEIGHT OF VEHICLE OR LOAD EXCEEDING THE MAXIMUM SPECIFIED IN THIS ARTICLE OR OTHERWISE NOT IN CONFORMITY WITH THE PROVISIONS OF THIS ARTICLE UPON ANY HIGHWAY.

(b) THE APPLICATION FOR ANY ANNUAL FLEET PERMIT SHALL SPECIFICALLY DESCRIBE THE VEHICLES AND LOADS TO BE OPERATED OR MOVED AND THE PARTICULAR HIGHWAYS FOR WHICH THE PERMIT TO OPERATE IS REQUESTED. ANY ORDINANCES OR RESOLUTIONS OF LOCAL AUTHORITIES SHALL NOT CONFLICT WITH THIS SECTION.

(2) (b) All applications for permits to move manufactured homes over state highways shall comply with the following special provisions:

(I) Each such application shall be for a single trip, a special or PERMIT, an annual permit, OR, SUBJECT TO THE REQUIREMENTS OF

PARAGRAPH (a) OF SUBSECTION (1.5) OF THIS SECTION, AN ANNUAL FLEET PERMIT. The application shall be accompanied by a certificate or other proof of public liability insurance in amounts of not less than one hundred thousand dollars per person and three hundred thousand dollars per accident for all manufactured homes moved within this state by the permit holder during the effective term of the permit. Each application for a single trip permit shall be accompanied by an authentication of paid ad valorem taxes on the used manufactured home.

(4) THE ORIGINAL OR A COPY OF every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting such permit; ~~and~~ EXCEPT THAT, IF A SYSTEM IS IN PLACE THAT ALLOWS ANY PEACE OFFICER, AS DEFINED IN SECTION 18-1-901 (3) (I), C.R.S., OR AUTHORIZED AGENT OF ANY AUTHORITY GRANTING THE PERMIT TO ELECTRONICALLY VERIFY THAT A PERMIT HAS BEEN ISSUED, THE PERMIT NEED NOT BE CARRIED IN THE VEHICLE OR COMBINATION OF VEHICLES TO WHICH IT REFERS. No person shall violate any of the terms or conditions of such special permit.

SECTION 3. 42-20-203 (1), Colorado Revised Statutes, is amended to read:

42-20-203. Carrying of permit and shipping papers. (1) Any person transporting hazardous materials ~~which~~ THAT require placarding under 49 CFR 172 or 173 in this state shall carry a copy of the shipping papers required in 49 CFR 172.200 and a copy of the hazardous materials transportation permit issued by the public utilities commission or the port of entry weigh station in the transporting motor vehicle while in this state; EXCEPT THAT SUCH A PERSON SHALL NOT BE REQUIRED TO CARRY A COPY OF THE HAZARDOUS MATERIALS TRANSPORTATION PERMIT IF A SYSTEM IS IN PLACE THAT ALLOWS ANY ENFORCEMENT OFFICIAL TO ELECTRONICALLY VERIFY THAT THE PERMIT HAS BEEN ISSUED. Such permit shall be open to inspection OR ELECTRONIC VERIFICATION by any enforcement official.

SECTION 4. 42-20-204 (2), Colorado Revised Statutes, is amended to read:

42-20-204. Permit violations - penalties. (2) Any person who has obtained an annual or a single trip hazardous materials transportation permit but fails to have a copy of said permit in the cab of the motor vehicle while transporting hazardous materials in, to, from, or through this state commits a class B traffic infraction and shall be assessed a penalty of twenty-five dollars in accordance with the procedure set forth in section 42-4-1701 (4) (a) (V); EXCEPT THAT SUCH A PERSON SHALL NOT BE

REQUIRED TO HAVE A COPY OF THE PERMIT IN THE CAB IF A SYSTEM IS IN PLACE THAT ALLOWS ANY ENFORCEMENT OFFICIAL TO ELECTRONICALLY VERIFY THAT THE PERMIT HAS BEEN ISSUED.

SECTION 5. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

DRAFT

Bill E

Colorado Legislative Council Staff
NO FISCAL IMPACT

Drafting Number: LLS 03-0070

Date: October 24, 2002

Prime Sponsor(s): Sen. May
Rep. Larson

Bill Status: Transportation Legislation Review
Committee

Fiscal Analyst: Todd Herreid (303-866-2633)

TITLE: CONCERNING COMMERCIAL VEHICLE PERMITS, AND, IN CONNECTION THEREWITH, ELIMINATING REQUIREMENTS THAT CERTAIN PERMITS BE CARRIED IN THE VEHICLES FOR WHICH THEY ARE ISSUED SO LONG AS A SYSTEM IS IN PLACE THAT ALLOWS ENFORCEMENT OFFICIALS TO ELECTRONICALLY VERIFY THAT SUCH PERMITS HAVE BEEN ISSUED, AND ALLOWING THE DEPARTMENT OF TRANSPORTATION TO ISSUE ANNUAL FLEET PERMITS FOR EXCESS SIZE AND WEIGHT VEHICLES.

Summary of Assessment

Under current law, copies of commercial vehicle permits to operate longer vehicle combinations, to operate excess size and weight vehicles, to transport manufactured homes, and to ship hazardous materials must be carried in the vehicle. This bill specifies that paper copies are not required if a system is in place that allows any peace officer or enforcement officer to electronically verify that a permit has been issued. At present, only the Ports-of-Entry and the Colorado State Patrol have systems in place to electronically verify commercial vehicle permits. This bill does not require local governments to establish an electronic permit verification system, and it does not require any state agency to create a statewide electronic permit verification system. Consequently, this provision of the bill is not expected to create any additional state or local government expenditures.

The bill also specifies that the Department of Transportation may issue annual fleet permits for excess size and weight vehicles. Under current law, the department issues single-trip permits for most oversize and overweight vehicles. However, the bill does not authorize the department to impose any new fees for annual fleet permits for oversize and overweight vehicles. Since the department is not required to issue annual fleet permits for oversize and overweight vehicles, it is assumed that existing single-trip permit fees will be imposed. Consequently, this provision of the bill is not expected to impact the amount of state revenue received from oversize and overweight permit fees.

The bill is therefore assessed as having no fiscal impact. The bill is effective 90 days after adjournment (August 5, 2003), unless a referendum petition is filed.

Departments Contacted

Transportation

Revenue

Public Safety

Local Affairs

Bill F

SENATE SPONSORSHIP

Teck, and May

HOUSE SPONSORSHIP

Larson, Coleman, Smith, and Williams S.

A BILL FOR AN ACT

CONCERNING A REQUIREMENT THAT MOTORIST INSURANCE IDENTIFICATION DATABASE PROGRAM REPORTING REQUIREMENTS FOR COMMERCIAL LINES OF INSURANCE BE DESIGNED TO ALLOW ELECTRONIC VERIFICATION OF INSURANCE COVERAGE AT THE TIME A COMMERCIAL MOTOR VEHICLE THAT IS PART OF A COMMERCIAL MOTOR VEHICLE FLEET IS REGISTERED.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Transportation Legislation Review Committee. Requires the department of revenue and the division of insurance to design the motorist insurance identification database program reporting requirements for commercial lines of insurance to enable the department to electronically verify that any commercial motor vehicle in a commercial vehicle fleet that is insured by one or more multi-vehicle commercial insurance policies is covered by insurance at the time the commercial motor vehicle is

registered. Specifies that the department shall still be permitted to verify insurance coverage by other means.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 42-7-604 (8). Colorado Revised Statutes, is amended to read:

42-7-604. Motorist insurance identification database program - creation - administration - selection of designated agent - legislative declaration. (8) The department, in cooperation with the division of insurance, shall promulgate rules and develop procedures for administering and enforcing this part 6. Such rules shall specify the reporting requirements that are necessary and appropriate for commercial lines of insurance and shall be developed with input by insurers and the designated agent. THE DEPARTMENT AND DIVISION SHALL DESIGN THE REPORTING REQUIREMENTS TO ENABLE THE DEPARTMENT TO ELECTRONICALLY VERIFY THAT ANY COMMERCIAL MOTOR VEHICLE IN A COMMERCIAL VEHICLE FLEET THAT IS INSURED BY ONE OR MORE MULTI-VEHICLE COMMERCIAL INSURANCE POLICIES, INCLUDING ANY COMMERCIAL MOTOR VEHICLE THAT IS REGISTERED FOR INTERSTATE COMMERCE AND THAT HAS REGISTRATION RECORDS MAINTAINED IN A SEPARATE, DISTINCT DATABASE MAINTAINED BY THE MOTOR VEHICLE BUSINESS GROUP OF THE DEPARTMENT. IS

COVERED BY INSURANCE AT THE TIME THE COMMERCIAL MOTOR VEHICLE IS REGISTERED. HOWEVER, NOTHING IN THIS SUBSECTION (8) SHALL PREVENT THE DEPARTMENT FROM ALLOWING INSURANCE COVERAGE TO BE VERIFIED BY OTHER MEANS.

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Colorado Legislative Council Staff

**STATE
FISCAL IMPACT**

Drafting Number: LLS 03-0071
Prime Sponsor(s): Sen. Teck
Rep. Larson

Date: October 29, 2002
Bill Status: Transportation Legislation Review
Committee
Fiscal Analyst: Todd Herreid (303-866-2633)

TITLE: CONCERNING A REQUIREMENT THAT MOTORIST INSURANCE IDENTIFICATION DATABASE PROGRAM REPORTING REQUIREMENTS FOR COMMERCIAL LINES OF INSURANCE BE DESIGNED TO ALLOW ELECTRONIC VERIFICATION OF INSURANCE COVERAGE AT THE TIME A COMMERCIAL MOTOR VEHICLE THAT IS PART OF A COMMERCIAL MOTOR VEHICLE FLEET IS REGISTERED.

| Fiscal Impact Summary | FY 2003/2004 | FY 2004/2005 |
|---|--------------|--------------|
| State Revenues General Fund | | |
| State Expenditures General Fund* | \$42,680 | |
| Cash Fund - Motorist Insurance ID Account | \$227,830 | |
| FTE Position Change | 0.5 FTE | 0.0 FTE |
| Other State Impact: None | | |
| Effective Date: 90 days after adjournment (August 5, 2003), unless a referendum petition is filed. | | |
| Appropriation Summary for FY 2003/2004: Dept. of Revenue: general fund appropriation of \$42,680 and 0.5 FTE, and cash fund appropriation of \$227,830. | | |
| Local Government Impact: None | | |

**These one-time reprogramming expenses may be included in the FY 2003-04 Long Bill appropriation to the Department of Revenue. If these resources are provided, no further appropriation would be required to implement the bill.*

Summary of Legislation

Under current law, the motorist insurance identification database is used to electronically verify that registered vehicles are insured. However, commercial motor vehicles that are part of a commercial fleet are excluded from this electronic verification process because they are insured without vehicle identification numbers (VINs). This bill would require the Department of Revenue and the Division of Insurance to design the reporting requirements for the motorist insurance

Bill F

identification database such that it would be possible to electronically verify that a registered commercial motor vehicle in a commercial fleet is insured. This includes interstate commercial

vehicles that are registered under the International Registration Plan as well as intrastate commercial vehicles.

State Expenditures

The Department of Revenue is expected to incur additional expenditures as a result of this bill, which are listed in Table 1. Redesigning the existing motorist insurance identification database to include commercial vehicles is expected to cost \$277,830, according to the vendor that maintains the database--Explore Information Services. This cost would be paid out of the Motorist Insurance Identification Account, which was created to pay for the administrative expenses of the motorist insurance identification database program.

The department would also incur additional expenses to reprogram the computer systems for interstate commercial vehicles (International Registration Plan) and intrastate commercial vehicles (Viper System and IDS) to accommodate electronic insurance verification. It is estimated that approximately 970 hours would be required to reprogram these systems, at a cost of \$44 per hour. Thus, the department anticipates one-time reprogramming costs of \$42,680. It should be noted that the computer reprogramming resources identified to implement the bill may also be included in the FY 2003-04 Long Bill appropriation to the Department of Revenue. If these resources are included in the Long Bill, no further appropriation for computer programming would be required to implement this bill.

| Table 1 | | |
|--|---------------------|---------------------|
| Department of Revenue Expenditures | | |
| | FY 2003/2004 | FY 2004/2005 |
| Redesign Existing Motorist ID Database | \$227,830 | \$0 |
| Reprogram IRP, Viper, and IDS Systems (970 hrs.) | \$42,680 | \$0 |
| Total Expenses | \$270,510 | \$0 |

In addition, the Division of Insurance, within the Department of Regulatory Agencies, expects its staff workload to increase marginally as a result of the bill (approximately 28 hours). The Division of Insurance indicated that this impact could be absorbed within current appropriations.

State Appropriations

If the motorist insurance database program does not sunset on July 1, 2003, the Department of Revenue would require a cash fund appropriation of \$227,830 and a general fund appropriation of \$42,680 and 0.5 FTE to implement the provisions of this bill in FY 2003-04.

Departments Contacted

Revenue Regulatory Agencies

Bill G

HOUSE SPONSORSHIP

Larson, and Smith

SENATE SPONSORSHIP

Teck, Entz, and May

A BILL FOR AN ACT

CONCERNING A REQUIREMENT THAT ENFORCEMENT OFFICIALS WHO
PERFORM COMMERCIAL VEHICLE SAFETY INSPECTIONS BE
CERTIFIED BY THE COMMERCIAL VEHICLE SAFETY ALLIANCE TO
PERFORM LEVEL I INSPECTIONS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Transportation Legislation Review Committee. On and after a specified date, requires all commercial vehicle safety inspections to be performed by enforcement officers who have been certified by the commercial vehicle safety alliance, or any successor organization thereto, to perform level I inspections.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 42-4-235 (4) (a), Colorado Revised Statutes, is

amended to read:

42-4-235. Minimum standards for commercial vehicles.

(4) (a) The department shall adopt rules and regulations for the operation of all commercial vehicles. In adopting such rules and regulations, the department shall use as general guidelines the standards contained in the current rules and regulations of the United States department of transportation relating to safety regulations, qualifications of drivers, driving of motor vehicles, parts and accessories, notification and reporting of accidents, hours of service of drivers, inspection, repair, and maintenance of motor vehicles and employee safety and health standards. ON AND AFTER SEPTEMBER 1, 2003, ALL COMMERCIAL VEHICLE SAFETY INSPECTIONS SHALL BE PERFORMED BY AN ENFORCEMENT OFFICIAL, AS DEFINED IN SECTION 42-20-103 (2), WHO HAS BEEN CERTIFIED BY THE COMMERCIAL VEHICLE SAFETY ALLIANCE, OR ANY SUCCESSOR ORGANIZATION THERETO, TO PERFORM LEVEL I INSPECTIONS.

SECTION 2. 42-20-105 (1), Colorado Revised Statutes, is amended to read:

42-20-105. Enforcement. (1) The provisions of parts 1, 2, and 3 of this article relating to the transportation of hazardous materials by motor vehicle may only be enforced by an enforcement official. ON AND

AFTER SEPTEMBER 1, 2003, SAID PROVISIONS MAY ONLY BE ENFORCED BY AN ENFORCEMENT OFFICIAL WHO HAS BEEN CERTIFIED BY THE COMMERCIAL VEHICLE SAFETY ALLIANCE, OR ANY SUCCESSOR ORGANIZATION THERETO, TO PERFORM LEVEL I INSPECTIONS.

SECTION 3. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

DRAFT

Bill G

Colorado Legislative Council Staff

**LOCAL
FISCAL IMPACT**

No State General Fund Impact

Drafting Number: LLS 03-0069
Prime Sponsor(s): Rep. Larson
Sen. Teck

Date: October 29, 2002
Bill Status: Transportation Legislation Review
Committee
Fiscal Analyst: Todd Herreid (303-866-2633)

TITLE: CONCERNING A REQUIREMENT THAT ENFORCEMENT OFFICIALS WHO PERFORM COMMERCIAL VEHICLE SAFETY INSPECTIONS BE CERTIFIED BY THE COMMERCIAL VEHICLE SAFETY ALLIANCE TO PERFORM LEVEL I INSPECTIONS.

| Fiscal Impact Summary | FY 2003/2004 | FY 2004/2005 |
|--|--------------|--------------|
| State Revenues General Fund | | |
| State Expenditures General Fund | | |
| FTE Position Change | 0.0 FTE | 0.0 FTE |
| Other State Impact: None | | |
| Effective Date: 90 days after adjournment (August 5, 2003), unless a referendum petition is filed. | | |
| Appropriation Summary for FY 2003/2004: None required. | | |
| Local Government Impact: Local governments may incur additional training costs if local enforcement officers are required to be certified by the Commercial Vehicle Safety Alliance. | | |

Summary of Legislation

Under current law, commercial vehicles may be inspected by port-of-entry officers, state patrol officers, investigating officials of the Public Utilities Commission, and peace officers of local governments. This bill specifies that after August 31, 2003, all commercial vehicle safety inspections must be conducted by enforcement officers who are certified by the Commercial Vehicle Safety Alliance to perform Level 1 inspections. Currently, all state enforcement officers are certified to perform Level 1 inspections; however, some local enforcement officers are not certified.

Bill G

Local Government Impact

Peace officers of local governments are currently allowed to conduct safety inspections of commercial vehicles without certification by the Commercial Vehicle Safety Alliance. This bill will require certain peace officers to receive this certification if they want to continue to perform commercial vehicle inspections. While many local governments already meet this requirement, those that do not will incur additional training costs for peace officers. In addition, if language in the bill is interpreted to limit enforcement of existing safety-related vehicle standards, not just Federal Motor Carrier Safety regulations, the certification requirement may impose additional training costs for all peace officers of local governments.

State Appropriations

No new state appropriations are required to implement the legislation in FY 2003-04.

Departments Contacted

Revenue Local Affairs